1951. File No. Fees Drafts 51

K Legal DEPARTMENT

K Examined BRANCH

Subject:— Fees claimed by D. of Ps. for drafting legal documents under rule 43 of the L. & R.s.

Pr 12/51

Fees Drafts | 51

File No.

Bld. Scott, Slip 24-B

14

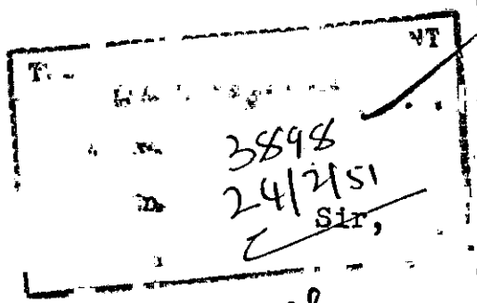
No. 1179 of 1951.
District Court, Bijapur.
19th February 1951.

From

Shri R.R.Karnik, B.A.LL.B.,
District Judge, Bijapur.

To

The Remembrancer of Legal Affairs,
Bombay No.1.



Subject:- Fees of Sub Government Pleader, Bagalkot, appointed by the District Judge to file a complaint in a criminal court.

Sir,

The Civil Judge, Junior Division, Bagalkot requested the District Judge to authorise the Public Prosecutor to conduct the prosecution of the six opponents in Misc. Application No.16 of 1946 on his file. As both the Public Prosecutor and his Assistant were not available then, Shri V.S.Patil, Sub Government Pleader, Bagalkot, was appointed by me to draft the complaint and conduct the prosecution of the case.

2. Shri V.S.Patil, went through the papers, drafted the complaints and got them filed in the Court of the Sub Divisional Magistrate, F.C., Bagalkot Division, Bijapur. After this, the then Assistant Public Prosecutor, Shri G.V.Hiremath, who had pleaded is his inability to take up the case, resigned and Shri G.L.Kanabur was appointed as Assistant Public Prosecutor. The District Magistrate then objected to the appointment of Shri V.S.Patil and suggested that he would appoint Shri G.L.Kanabur in his place. Upon this Shri V.S.Patil's appointment was cancelled by me. Shri V.S.Patil now submits his bill for filing the complaints etc. I forward the bill herewith and request that the same may be sanctioned.

Yours faithfully

District Judge, Bijapur.

No. 1161 3 3-

V.S.Patil, LL.B.
Sub-Govt. Pleader ,Bagalkot.

To

The District Judge , Bijapur.

Sir,

I was appointed by Your Honour to lodge complaints and conduct the prosecution against opponents 1 to 6 in Mis. No. 16 of 1946 of Bagalkot Civil Court under No.1330 of 1950 of District Court .dated 24th Feb 1950. Under the ~~xxxxx~~ instructions of the District Court under its letter No. 1795 of 1950 dated 16th March 1950 I went through all the papers ~~xxxxxx~~ concerned in the record office at Bijapur on 23-3-1950. ~~xxxxxx~~ After studying the case papers I lodged four complaints separately in order to avoid mis,oinder of charges and accused under sections 465 and 193 read with with section 34 and under S.109 of I.P.C. I attended the the court of Civil Judge Jr.Dn. Bagalkot and submitted four complaints on 6-6-1950 .I got the certified copies from the Record Office and also I got some papers typed .The receipts as per bill are enclosed herewith.

I therefore claim as follows:-

1	Fees for attending the court of Civil Judge Jr.Dn.Bagalkot for submitting the complaints ~~x~~to be lodged in the court of S.D.M. Bagalkot Dn. at the rate of Rs. 20. per day.	Rs. 20-0-0
2	Certified copies of papers in Bagalkot Mis. No. 16 of 1946 as per ~~xx~~ receipt dated 25-4-50.	5-2-0
3	Certified copies of papersin C.S.No.213 of 1944.as per receipt dated 29-6-1950.	34-5-0
4	Typing charges as per bill.	38-0-0
5	Travelling charges and daily allowances for attending the Record Office at Bijapur.	77-7-0.
	(a) Charges for journeys to and from Bijapur Railway station to Bijapur Railway station (Inter class fare)	0-8-0
	(b) Milage 2 miles from Bijapur Railway station to Bijapur town and back.---	1-8-0
	(c) Milage 1 mile from Bagalkot town to Bagalkot Railway Station and back.-----	0-12-0
	(d) Daily allowance for one day.i.e. Out-station fees.---	~~xxxxx~~ 7-8-0
		III-11-0

I therefore request Your Honour to sanction the payment of the amount to me at an early date.

Yours Faithfully.

Bagalkot.
~~25-12-1950~~
2-1-51

Sub-Govt Pleader Bagalkot.

Enclosures:-

1 Certificate of attendance of Civil Court Bagalkot

2 Receipt No.929(A) of 50 dated 25-4-1950.

3 Receipt No. 1273 dated 29-6-1950.

4 Receipt of the ~~typist~~ ~~Peitor~~ dated 11-7-1950

5 Certificate of attendance in the District Court Bijapur dated ~~23-3-1950~~ 5th August 1950.

All the papers are originals and they may be returned afterwards.

S.G. Pleader

Forwarded with Compliments through the District Govt. Pleader and Public Prosecutor Bijapur

Rec'd 3-1-51. D.G.P.

~~Forwarded with~~ respectfully to the ~~District~~ ~~Magistrate~~

~~the Sub. Govt. Pleader~~ District ~~to whom the papers are sent~~ to other ~~Assistant District Magistrate~~ to the Sole ~~authority to sanction.~~

N. 18 of 1950
Date. 4-1-1951

~~Forwarded with request to the District Judge Bijapur~~ for favour of favourable consideration.

Dy-103.

2
1-51

Dist. Govt. Pleader
Bijapur

5 .9

Legal Department

Submitted.

2. Please see letter from the District Judge, Bijapur bearing on the subject fees of Sub. G.P., Bagalkot to file a complaint in a Cri. case.

3. Shri V.S. Patil Sub Govt. Pleader, Bagalkot, was appointed by the Dist. Judge, Bijapur to draft a complaint and conduct the prosecution in Misc. Appln. No. 16 of 1946 as both the P.P. and his Assistant were pre-occupied and were not thus available. Accordingly Shri Patil drafted the complaints and got them filed in the Court of Sub-Divisional Magistrate, F.C., Bagalkot Division.

4. Meanwhile the A.P.P. expressed his inability and subsequently resigned and Shri G.L. Kanabar took his charge as the A.P.P. Consequently the D.M. objected to the continuance of Shri Patil with the case and as such the Dist. Judge cancelled his appointment. The ~~The Dist. Judge cancelled his appointment.~~ The Dist. Judge forwards the bill of Shri Patil and requests that the same may be sanctioned.

5. In the past on such cases the R.L.A. (Shri Moos) held that the P.P. is bound to submit a draft complaint, irrespective of the question whether he or some one else is engaged for the conduct of the prosecution. In view of this ruling the sub-Govt, Pleader, Bhagalkot is not entitled to any fees for drafting complaints as it is covered by rule 43 of the L.O.(C.of S.) Rules. As regards the other items of copying and typing charges they are duly supported by vouchers. The Sub Govt.

x Sl/5 B
76 Fees Drafts/46

Govt. Pleader is entitled to these charges only in addition to the T.A. for Rs.* 4-8-0 from Bhagalkot to Bijapur for his attendance at Bijapur Dist Court on 23-3-50 as certified by the Court plus the ~~xxx~~ out station fee of Rs. 7-8-0 on that day. He is not entitled to the mileage allowance of Re. 1-8-0 and annas 12 as shown at items 5(b) & (c) of the Sub Govt. Pleader's letter No. 1151 dt/ 2-1-51. The DJ Bijapur may be informed accordingly.

* Item no 5(a) of the S.P.'s bill A. 3

Item no 5(d) do.

23/3.

27/4

A S (Adm)

The D.J., Bijapur may be informed that the S.G.P. will be entitled to the following fees:-

1. Fees for attending the Court of Asstt. Judge, Bijapur	...	Rs.20/-
2. Outstation fee.	...	Rs. 7/8/-
3. Travelling Allowance	...	Rs. 4/8/-
Law charges.	...	Rs.77/7/-

but not for any fees for drafting the complaint. He may also be informed that under rule 196 of the Law Officers Rules, the S.G.P. Bagalkot should be directed to submit his bill direct to the Treasury.

14/5

Dy Secy (Crim Law)

I agree with the above observations

15/5/51

Asst Sec (L.D)

16/5

No. 8239 / 7 H

Legal Department,
Bombay Castle(Bombay No.1), 25 May 1951.

To
The District Judge,
Bijapur.

Subject:- Fees of Sub Government Pleader, Bagalkot, appointed by the District Judge to file a complaint in a criminal court.

Sir,

With reference to your letter No.1179, dated the 19th February 1951, on the above subject, I am directed to inform you that the Sub Government Pleader, Bagalkote is entitled to the fees in connection with Miscellaneous Application No.16 of 1946 as follows:-

(1) Fees for attending the Court of Assistant Judge, District Court, Bijapur, on 23rd March 1950.	...	Rs.20/-
(2) Outstation fees.	...	Rs.7/8/-
(3) Travelling allowance.	...	Rs.4/8/
(4) Law Charges.	...	Rs.77/7/-

The Sub Government Pleader, Bagalkote is not entitled to any fees for drafting the complaint. I am also to request you to direct the Sub Government Pleader, Bagalkot to submit his bill under rule 196 of the Law Officers Rules for the amounts at items (1) to (4) above direct to the Treasury for payment.

Yours faithfully,

Accompts:
3 Vouchers
for (1) Rs.5-2-0
(2) Rs.24-8-0
(3) Rs.[illegible]

OC. 23/5

Assistant Secretary to the Government of Bombay,
Legal Department.

Submit for approval
& signature.
21/5
MRA
21.

AS 21/5
23/5

Is

No. 573 dated 2 July 51,
Office of the Dist Govt Pleader,
Dharwar.

To

The Remembrancer of Legal Affairs,

Bombay.

Sub :- Draft agreement between the Rajasaheb of Jamkhandi and the Government of Bombay - G.R., F.D. No.2850 dated 19-3-1951. Remuneration under rule 22 of the Law Officers' Rules - claim of -

Sir,

I have the honour to inform you that I drafted an agreement in accordance with the letter No.Fst.3400 dated 16-5-1951 from the Educational Inspector, Dharwar Division, Dharwar and sent the draft to him. I therefore respectfully request you to sanction Rs.30/- only for drafting this legal document under rule 22 of the Law Officers' Rules. The bill for this remuneration will be forwarded to you for countersignature after the same is sanctioned by you.

A copy of the draft and the Educational Inspector's above quoted letter are sent herewith for your perusal which may please be returned.

Yours faithfully,
R.V. Jathar
Asstt. Govt. Pleader.

L. D. 4 JUL 1951

THE SECRETARY TO GOVERNMENT
LEGAL DEPARTMENT
File No. 13969
Sub No. 41715
Branch

11+9

13969/4-7-51.

Submitted.

2. Please see the letter from the Asstt. Govt.Pleade Dharwar at p.1 ante. The A.G.P. drafted an agreement unde instructions from the Education Inspector,Dharwar Divisio Dharwar. The A.G.P. requests that a fee of Rs.30/- may b sanctioned to him as his remuneration for drafting the agreement. The A.G.P. further states that he will forwar the bill for countersignature as soon as the sanction is received. A copy of the draft agreement is at p.3 ante.

3. Under rule 22 of the Law Officers(Conditions of Service) Rules,1939 a Government Pleader who is asked to draft legal documents or do any conveyancing work shal be entitled to such remuneration not exceeding Rs.100/- f each case as the Legal Remembrancer may see fit to grant.

4. A fee of Rs.30/- may perhaps be sanctioned to the A.G.P.,Dharwar as requested by him.

A

TBe
12-7-51

Supdt. 16/7

Sabe (M.L.)

B

The agreement ought to be made in the name of the Governor of Bombay under art. 299 of the Constitution of India. Clause (2) of the agreement is also not properly worded. The DP may be asked to make necessary amendments.

17.7

Addl Secy. A & B

15/7

R.L.A. 17/7

No. 12193

Office of the R.
Remembrancer of Legal Affairs,
Bombay Castle (Bombay No.1) 30th July 1951.

Memorandum.

With reference to his letter No.573, dated 2nd July 1951, the Assistant Government Pleader, Dharwar, is informed that the Remembrancer of Legal Affairs is pleased to sanction to him under rule 22 of the Law Officers (Conditions of Service) Rules the payment of a fee of Rs.30/- (Rupees thirty only) for drafting the agreement referred to in his letter.

2. He is further informed that the agreement ought to be made out in the name of the Governor of Bombay under article 299 of the Constitution of India and that clause (2) of the agreement is not properly worded. He is therefore directed that the necessary amendments should be made in the agreement and a bill preferred on the prescribed form for the countersignature of the Remembrancer of Legal Affairs.

Issued 30/7.

For Remembrancer of Legal Affairs.

To

The Assistant Government Pleader,
Dharwar.

UP.
21/7.

Submitted for signature
23/7

Sup. 23/7.

AS(AD)

1554

No. 745 dated 7 Aug '51,
Office of the Dist Govt Pleader,
Dharwar.

To

The Remembrancer of Legal Affairs,

Bombay.

Sub :- Bill for Fees sanctioned under Rule 22 of Law Officers' (Conditions of Service) Rules.

Sir,

With reference to your Memo No.12195 dated 30th. July '51, I have the honour to submit herewith my Bill for Rs.30/-, for favour of your countersignature and return.

An amended draft agreement has been sent to the Educational Inspector, D.D., Dharwar, as suggested by you.

16638
10815

Yours faithfully,
R.V.Jathar
Asstt. Govt. Pleader.

16638
10-8-57

Submitted

The A.S.P., Dhanbad submits a bill for Rs. 30/- under rule 22 of the I.O.(C of S) Rules for drafting a sale agreement. The bill is prepared in accordance with G.M. No. 12155 dt 30-7-57. The ASP states that he has amended the draft agreement as per approved lines and has sent it to the executive Inspector. The bill submitted by the A.S.P. is in order and may be returned to him duly countersigned

Rs. 30/-
13/8

Sd/- 17/8

A.S.P. Sadr (M.L.) for 17.8.

Noted in the register
20/8

No. 13451 — 17/52/51

Office of the
Remembrancer of Legal Affairs,
Bombay Castle, 22nd Aug. 1951.

MEMORANDUM.

The bill ~~with accompaniments~~ noted in the margin is / ~~are~~ herewith returned to the ~~District~~ Assistant Government Pleader, Dhanvar duly countersigned.

1. No. —	dated — for Rs. 30 —	
2. No.	dated for Rs.	
3. No.	dated for Rs.	
4. No.	dated for Rs.	

By order,

I 8523 22 8.

21/8

Superintendent, office of
the Remembrancer of Legal Affairs.

To

The ~~District~~ Assistant Government Pleader, Dhanvar